

Third Amended Petition for Final Distribution and Waiver of Accounting For Allowance of Statutory Fees and Commissions

DOD: 8/5/2001		VICTOR W. SIDERS , Administrator with Will Annexed, is petitioner. Accounting is waived. I & A - \$85,000.00 POH - \$40,218.31 Administrator - \$3,400.00 (statutory) Attorney - \$3,400.00 (statutory) Costs - \$623.00 (filing fees, probate referee, publication) Petitioner states after Letters issued, he went to Financial Title Company to seek a loan to pay of the decedent's debts. What Petitioner remembers is that Financial Title told him the only way to do the refinance was to place title to the property in his and his wife's name, and then he would be able to qualify and obtain a refinance to pay off all of decedent's debts. At the time the refinance took place Petitioner did not consult with Counsel and no one at Financial Title told him he could not do what he was trying to attempt. Without excusing the legal, illegal or improper actions of Petitioner, Petitioner requests that any said actions by Petitioner be excused due to lack of knowledge on his part, and the failure of the title company for allowing what has been done. Petitioner was able to pay the debts of the decedent with the refinance proceeds. Petitioner is the sole beneficiary and no harm has been done. Distribution, pursuant to Decedent's Will, is to: Victor W. Siders - \$36,815.31	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	Pers.Serv.		
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<input checked="" type="checkbox"/>	Letters 3/21/03		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
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<input type="checkbox"/>	Aff. Posting		
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Reviewed by: KT
Reviewed on: 2/24/15
Updates:
Recommendation:
File 1C - Siders

		See petition and various declarations filed thereafter for details.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from 061113, 073013, 091013, 100813, 121313, 030314, 042114, 062314, 081814, 111714, 011215, 011515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
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	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
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	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-24-15	
			Updates:	
			Recommendation:	
			File 2 – Rodriguez	

Second Amended Report of Administrator and Petition for Final Distribution Upon Waiver of Accounting of the Estate of Sharon Rutherford, and Petition for Allowance of Statutory, Extraordinary Compensation and Reimbursement for Out-of-Pocket Expenses and Mileage for Co-Administrators, Statutory and Extraordinary Fees for Attorney

DOD: 10-11-11			ROBERT JONES and DENISE JONES, Co-Adminstrators with Full IAEA wthout bond, are Petitioners. I&A: \$58,956.64 POH: \$13,493.96 (\$45,462.68 was paid to John Albert Edie, Jeffrey Nass, and Tomassian, Pimentel and Shapazian. See release of claim filed 7-6-14.) Co-Administrators (Statutory): \$2,358.26 Co-Administrators (Reimburse): \$1,721.24 including \$1,335.00 for filing objections in related estate 12CEPR00016, regarding appointment of a personal representative in the case and to the establishment of the ownership of the family home, \$335.24 for vet bills for the decedent's cat and \$51.00 for securing the decedent's residence after her death (changing the locks). Co-Administrators (Extraordinary): \$1,150.00 (for 46 hours @ \$25/hr in connection with the civil lawsuit) Co-Administrators (Mileage): \$2,055.20 (for 3,670 miles @ \$.56/mile) Attorney (Statutory): \$2,358.26 Attorney (Extraordinary): 3,416.00 (pursuant to Declaration filed 8-12-14) Costs: \$435.00 (this petition, paid 7-9-14) Petitioners request that the administration of this estate be closed, that this report be allowed and approved as filed, that all acts and transactions be confirmed and approved, that the above statutory and extraordinary fees and costs be authorized, and distribution of any other property of the decedent or estate not now known or hereafter discovered be made to Petitioners.	NEEDS/PROBLEMS/ COMMENTS:	

First and Final Account and Report of Former Administrator

DOD: 9/7/2012		MICHELE CURLEY , former Administrator, is petitioner.	NEEDS/PROBLEMS/ COMMENTS: 1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
		Account period: 9/7/12 – 9/2/14	
Cont. from		Accounting - \$110,367.38	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$110,367.38	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 49,984.67	
<input checked="" type="checkbox"/>	Inventory	Current bond: \$44,000.00	
<input checked="" type="checkbox"/>	PTC	Petitioner prays:	
<input checked="" type="checkbox"/>	Not.Cred.	1. That the administration of this estate by Michele R. Curley be brought to a close;	
<input checked="" type="checkbox"/>	Notice of Hrg	2. That the first and final account be settled, allowed and approved as filed;	
<input checked="" type="checkbox"/>	Aff.Mail	3. That all acts and proceedings of petitioner as administrator be confirmed and approved;	
	Aff.Pub.	4. That Michele R. Curley assist the court in distributing the assets of the estate as directed;	
	Sp.Ntc.	5. The petitioner may be released from bond.	
	Pers.Serv.	Objections of Public Administrator filed on 1/29/15 states they were appointed Administrator of the estate by minute order dated 9/2/14.	
	Conf. Screen	The Public Administrator objects to the former Administrator stating the estate is in a condition to be closed. The Public Administrator is still in the process of selling the real property via a short sale in order to avoid accruing additional abatement fees against the estate. The estate cannot be distributed until the sale is completed.	
<input checked="" type="checkbox"/>	Letters	1/22/13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
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Wherefore, the Public Administrator Prays:			Reviewed by: KT Reviewed on: 2/24/15 Updates: Recommendation: File 4 - Martinez

5 Ronald David Gray (Estate)**Case No. 14CEPR00211****Atty French, G Dana (for Petitioners/Executors Dennis Veeh and Bruce M. Brown)****(1) Final Report and Petition for Settlement Thereof; for (2) Allowance of Attorneys' Fees; (3) for Allowance of Costs Advanced; and (4) Petition for Final Distribution**

DOD: 11/14/13		DENNIS VEEH and BRUCE M. BROWN, Co-Executors, are petitioners.		NEEDS/PROBLEMS/COMMENTS: Note: Consistent with the Court's recent practice, if Court determines an informal accounting of the closing reserve is warranted, Court will set a Status Hearing as follows: <ul style="list-style-type: none"> Wednesday, September 2, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the \$5,000.00 Closing Reserve. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. Filing of the informal accounting of closing reserve will not generate a new hearing date.	
		Accounting is waived.			
Cont. from		I & A - \$812,632.76			
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$804,279.47			
<input checked="" type="checkbox"/>	Verified	Executors - waive			
<input checked="" type="checkbox"/>	Inventory	Attorney (less than statutory) - \$12,445.50			
<input checked="" type="checkbox"/>	PTC	Costs - \$2,547.74 (filing fees, probate referee and publication)			
<input checked="" type="checkbox"/>	Not.Cred.	Closing reserve - \$5,000.00			
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to Decedent's Will, is to:			
<input checked="" type="checkbox"/>	Aff.Mail W/	Dennis Veeh and Bruce M. Brown as Co-Trustees of the Ronald Gray Living Trust – personal property, stocks and \$347,279.47			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
<input checked="" type="checkbox"/>	Letters 4/25/14				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
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	Status Rpt				
	UCCJEA				
	Citation				
<input checked="" type="checkbox"/>	FTB Notice				
					Reviewed by: KT
					Reviewed on: 2/26/15
				Updates:	
				Recommendation: SUBMITTED	
				File 5 - Gray	

Petition for Termination of Proceedings and Discharge

DOD: 4/26/13		<p>CHARLES ROBERT SIEK, Executor, is petitioner.</p> <p>Petitioner states there is no property of any kind, whatsoever, belong to the estate and subject to administration which remains for distribution in that the decedent has a revocable trust which the one asset which was not titled in the trust, to wit, the Merrill Edge Account, has been transferred to the trust. Therefore, the Petitioner is not aware of any additional property which is subject to this probate proceeding.</p> <p>Petitioner requests that the court make an order terminating the administration of the estate and discharging the personal representative.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. It appears that there was an asset of the estate, the Merrill Edge Account, which was transferred to the Trust without court authorization. Probate Code §10501(a)(4). Therefore it appears that the administration of the estate should proceed which would include the filing of an inventory and appraisal and a Petition for Final Distribution. 2. Petition does not address notice to Department of Health Services. 3. Petition does not address Notice to the Franchise Tax Board.
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<input checked="" type="checkbox"/>	Letters 5/21/14		
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Status Rpt		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Siek</p>	

		<p>SHARON SHRIVES, was appointed Conservator of the Person and of the Estate on 09/25/2014 with bond set at \$40,000.00.</p> <p>Letters issued on 09/25/2014.</p> <p>Minute Order of 09/25/2014 set this matter for hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 02/24/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Mardis</p>	

		NEEDS/PROBLEMS/COMMENTS: <u>Off Calendar. Inventory and Appraisal filed 11/07/2014.</u>	
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 02/24/2015	
		Updates:	
		Recommendation:	
		File 8 - Hayes	

Atty Kruthers, Heather H (for Conservator/Public Guardian)

Atty Fanucchi, Edward L. (Petitioner/court appointed for conservatee)

Petition for Payment of Attorneys' Fees and Costs for Court Appointed Counsel for Conservatee

		<p>EDWARD FANUCCHI, petitioner was Court appointed to represent the Conservatee on 9/29/14.</p> <p>PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 12/9/14.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the Public Guardian's petition to appoint a conservator.</p> <p>Petitioner asks that he be paid from the conservatorship estate for 9.25 hours @ \$250.00 per hour for a total of \$2,312.00 and for costs of \$435.00.</p> <p>Services are itemized by date and include review of documents, visits with client, court investigator and court appearances.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order. <u>Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief.</u> If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
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	Order	X		
	Aff. Posting			
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	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 2/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Brown</p>	

10 Isidora Rangell (CONS/PE)**Case No. 14CEPR00954****Atty Amador, Catherine A (for Aristan Cruz – Petitioner – Son)****Atty Walters, Jennifer L. (Court Appointed for Proposed Conservatee)****Atty O'Neill, Patricia B (for Rebecca Diaz – Objector)****Amended Petition for Appointment of Probate Conservator of the Person and Estate**

Age: 86		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p align="center"><u>Please see file for details.</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Video Receipt pursuant to Local Rule 7.15.8(A). 2. Attachment Requesting Special Orders Regarding Dementia, GC-313, is incomplete. 3. The Capacity Declaration signed by Dr. Alexander Sheriffs was not dated. 4. Dr. Sheriffs did not initial the Capacity Declaration at #7b as required. 5. #5a and #5b of the Capacity Declaration was not answered regarding whether the proposed conservatee is able to attend the hearing. 6. Neither Capacity Declarations appear to support the Petitioner's request for medical consent.
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 02/24/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10B - Rangell</p>	

Order to Show Cause RE: Failure to Appear and Failure to File the Bond

DOD: 09/23/2014	HEATHER L. AGUIRRE , daughter was appointed Administrator with full IAEA authority and bond set at \$352,000.00.	NEEDS/PROBLEMS/COMMENTS: 1. Need New Letters. Note: Letters issued on 12/22/2014 were stricken as the proof of bond has not been filed.
	Receipt of Bond filed in the amount of \$352,000.00 on 02/11/2015.	
Cont. from		
Aff.Sub.Wit.	Minute Order of 01/15/2015 set this matter for an Order to Show Cause. Minute Order states the Court issues an Order to Show Cause to Natalie Nuttall and Heather L. Aguirre as to why both should not be sanctioned for failure to appear and failure to file the proof of bond. Ms. Nuttall and Ms. Aguirre are both ordered to be personally present in court or appear by Court Call on 02/26/2015.	
Verified		
Inventory		
PTC		
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Notice of Hrg		
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Citation		
FTB Notice	<p>Declaration of Natalie R. Nuttall Re: Original Bond and Non-Appearance at 01/15/2015 Status Hearing filed 02/19/2015 states on 01/09/2014, a Fresno County Legal runner service attempted to file the original bond at the Probate Clerk's office. However, the runner service informed Attorney Nuttall that the Probate Clerks refused to accept and file the bond, as it does not have a "raised seal," and as such, could not accept the submission as the "original" bond. Attorney Nuttall contacted the insurance agent who secured the bond, through CNA Surety Bond Company. He informed Attorney Nuttall that the bonds have an "imbedded seal," which has been approved and accepted by California Courts, and as the product of CAN Surety's online bond system.</p> <p>On that same day (01/09/2015), Ms. Nuttall drafted and filed a Declaration with this Court, attaching the original bond, explaining the above, and requesting that the Court accept for filing the original bond. Ms. Nuttall mistakenly believed, however, that upon the filing of the Declaration, the 01/15/2015 hearing would be taken off the Court's calendar, thereby excusing Ms. Nuttall's appearance. She realized this assumption was made in error and apologizes to the Court for the non-appearance.</p> <p>On 02/11/2015, the original bond in the amount of \$352,000.00, with raised seal, was accepted for filing and filed with the Court.</p> <p>Ms. Nuttall and her client will be present, either in person or by Court Call (as ordered by this Court on 01/15/2015), at the Order to Show Cause Hearing on 02/26/2015.</p>	

Reviewed by: LV

Reviewed on:
02/25/2015

Updates:

Recommendation:

File 11 - MacMurray

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 17	<p align="center"><u>NO TEMPORARY IN PLACE;</u> <u>TEMPORARY PETITION WAS CONTINUED TO</u> <u>02/26/15</u></p> <p>JOSE ENCARNACION ORELLANA GUEVARA, first cousin once removed, is Petitioner.</p> <p>Father: UNKNOWN</p> <p>Mother: MARIA ORELLANA – <i>Consent & Waiver of Notice filed 12/22/14</i></p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: LUCIO ORELLANA – <i>served by mail on 01/05/15</i> Maternal grandmother: FELIPE GUEVARA – <i>served by mail on 01/05/15</i></p> <p>Siblings: CARMEN ORELLANA GUEVARA, ANA ORELLANA GUEVARA, REYNA ORELLANA GUEVARA, KATHERINE ORELLANA GUEVARA – <i>all served by mail on 01/05/15</i></p> <p>Petitioner states that Oscar was born in El Salvador and lived there until he fled after being threatened with death by the “Mara” gang. He was apprehended at the border in September 2013 and was released to Petitioner who has been caring for him since. Oscar is currently enrolled in school but has no legal guardian to direct medical treatment should an emergency arise or for his school to contact regarding educational concerns/needs of the minor.</p> <p>If a guardianship is established, Oscar will be eligible for Special Immigration Juvenile Status. Petitioner states that Oscar's mother consents to the guardianship and a notarized statement from her is provided.</p> <p>Court Investigator JoAnn Morris filed a report on 02/19/15.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> a. Oscar Orellana Guevara (minor) – personal service required b. Father (unknown) – personal service required c. Paternal grandparents (unknown) – service by mail sufficient
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
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<input checked="" type="checkbox"/> Letters			
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<input type="checkbox"/> FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 02/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12A - Guevara</p>

12A

Age: 17		<u>GENERAL HEARING: 02/26/15</u>		NEEDS/PROBLEMS/COMMENTS:	
		JOSE ENCARNACION ORELLANA GUEVARA , non-relative (godfather), is Petitioner.		<u>CONTINUED FROM 01/21/15</u> As of 02/24/15, nothing further has been filed in regards to this Petition and the following notes remain:	
		Father: UNKNOWN		1. Need Notice of Hearing.	
Cont. from 012615		Mother: MARIA ORELLANA – Consent & Waiver of Notice filed 12/22/14		2. Need proof of service of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
<input type="checkbox"/>	Aff.Sub.Wit.		Paternal grandparents: UNKNOWN	a. Father (unknown)	
<input checked="" type="checkbox"/>	Verified		Maternal grandfather: LUCIO ORELLANA	b. Oscar Orellana Guevara (minor)	
<input type="checkbox"/>	Inventory		Maternal grandmother: FELIPE GUEVARA		
<input type="checkbox"/>	PTC		Petitioner states that Oscar was born in El Salvador and lived there until he fled after being threatened with death by the "Mara" gang. He was apprehended at the border in September 2013 and was released to Petitioner who has been caring for him since. Oscar is currently enrolled in school but has no legal guardian to direct medical treatment should an emergency arise or for his school to contact regarding educational concerns/needs of the minor.		
<input type="checkbox"/>	Not.Cred.				
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<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting		If a guardianship is established Oscar will be eligible for Special Immigration Juvenile Status. Petitioner states that Oscar's mother consents to the guardianship and a notarized statement from her is provided.	Reviewed by: JF	
<input type="checkbox"/>	Status Rpt			Reviewed on: 02/24/15	
<input checked="" type="checkbox"/>	UCCJEA			Updates:	
<input type="checkbox"/>	Citation			Recommendation:	
<input type="checkbox"/>	FTB Notice			File 12B - Guevara	

Petition for Factual Findings Regarding Oscar's Eligibility to Apply for Special Immigrant Juvenile Status

Age: 17	<p>JOSE ENCARNACION ORELLANA GUEVARA, first cousin once removed, is Petitioner.</p> <p>Petitioner states: The minor, Oscar Armando Orellana Guevara, is eligible to apply for Special Immigration Juvenile Status because he is under the age of 21 and unmarried; he is physically present in the United States; and upon granting of a guardianship, this Court will have established jurisdiction over him; reunification with his parents is not viable due to abuse, abandonment or neglect; and it has been determined that it is not in the minor's best interest to return to El Salvador, his country of nationality. Petitioner states that without this Court's approval and findings, the minor may not qualify for immigration relief and will be at risk of deportation to El Salvador, where his mother is unable to take care of him and protect him from dangerous gang activities.</p> <p>Memorandum of Points & Authorities attached.</p> <p>Petitioner requests that this Court issue an Order making the requisite findings of fact that will allow Oscar Armando Orellana Guevara to submit his petition for Special Immigration Juvenile Status to the United States Citizenship & Immigration Service.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition is not verified by Petitioner, Jose Encarnacion Orellana Guevara.</p>
Cont. from		
Aff.Sub.Wit.		
Verified <input checked="" type="checkbox"/>		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 02/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12C - Guevara</p>

Age: 16		<p align="center"><u>NO TEMPORARY IN PLACE;</u> <u>TEMPORARY PETITION WAS CONTINUED TO</u> <u>02/26/15</u></p> <p>JOSE SANTOS QUINTEROS, non-relative (family friend), is Petitioner.</p> <p>Father: JUAN JOSE BARRERA AGUILAR – Consent & Waiver of Notice filed 12/22/14</p> <p>Mother: RUBENIA ELIZABETH CALLEJAS – Consent & Waiver of Notice filed 12/22/14</p> <p>Paternal grandfather: EUGOLIO BARRERA SANTOS – served by mail on 01/05/15 Paternal grandmother: ALBERTINA AGUILAR – served by mail on 01/05/15</p> <p>Maternal grandfather: JOSE ABRAHAM CALLEJAS – served by mail on 01/05/15 Maternal grandmother: MANUELA REYES – served by mail on 01/05/15</p> <p>Siblings: LANDER BARRERA CALLEJAS, JUAN JOSE BARRERA CALLEJAS, EVELIO BARRERA CALLEJAS, ANGIE MAYELO BARRERA CALLEJAS, ANGEL BARRERA CALLEJAS – all served by mail on 01/05/15</p> <p>Petitioner states that Jose was born in El Salvador and lived there until he fled after being threatened with death by a gang if he did not join them. He was apprehended at the border in July 2014 and was released to Petitioner who has been caring for him since. Oscar is currently enrolled in school but has no legal guardian to direct medical treatment should an emergency arise or for his school to contact regarding educational concerns/needs of the minor. If a guardianship is established Jose will be eligible for Special Immigration Juvenile Status. Petitioner states that Jose's parents consent to the guardianship and a notarized statement from them is provided.</p> <p>DSS Social Worker Irma Ramirez filed a report on 02/20/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>A. Oscar Orellana Guevara (minor)</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 02/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13A - Callejas</p>		

Petition for Factual Findings Regarding Jose Marvin's Eligibility to Apply for Special Immigrant Juvenile Status

Age: 16		<p>JOSE SANTOS QUINTEROS, non-relative, is Petitioner.</p> <p>Petitioner states: The minor, Jose Marvin Barrera Callejas, is eligible to apply for Special Immigration Juvenile Status because he is under the age of 21 and unmarried; he is physically present in the United States; and upon granting of a guardianship, this Court will have established jurisdiction over him; reunification with his parents is not viable due to abuse, abandonment or neglect; and it has been determined that it is not in the minor's best interest to return to El Salvador, his country of nationality. Petitioner states that without this Court's approval and findings, the minor may not qualify for immigration relief and will be at risk of deportation to El Salvador, where his mother is unable to take care of him and protect him from dangerous gang activities.</p> <p>Memorandum of Points & Authorities attached.</p> <p>Petitioner requests that this Court issue an Order making the requisite findings of fact that will allow Jose Marvin Barrera Callejas to submit his petition for Special Immigration Juvenile Status to the United States Citizenship & Immigration Service.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition is not verified by Petitioner, Jose Santos Quinteros.</p>
Cont. from			
Aff.Sub.Wit.			
Verified	x		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 02/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13B - Callejas</p>	

Petition for Appointment of Temporary guardianship of the Person

Age: 16		GENERAL HEARING: 02/26/15		NEEDS/PROBLEMS/COMMENTS:	
		JOSE SANTOS QUINTEROS, non-relative (family friend), is Petitioner.		<u>CONTINUED FROM 01/21/15</u>	
		Father: JUAN JOSE BARRERA AGUILAR – Consent & Waiver of Notice filed 12/22/14		As of 02/24/15, nothing further has been filed in regards to this Petition and the following notes remain:	
Cont. from 012615				3. Need Notice of Hearing.	
	Aff.Sub.Wit.			4. Need proof of service of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
✓	Verified			c. Oscar Orellana Guevara (minor)	
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
		<p>Paternal grandfather: EUGOLIO BARRERA SANTOS – served by mail on 01/05/15</p> <p>Paternal grandmother: ALBERTINA AGUILAR – served by mail on 01/05/15</p> <p>Maternal grandfather: JOSE ABRAHAM CALLEJAS – served by mail on 01/05/15</p> <p>Maternal grandmother: MANUELA REYES – served by mail on 01/05/15</p> <p>Siblings: LANDER BARRERA CALLEJAS, JUAN JOSE BARRERA CALLEJAS, EVELIO BARRERA CALLEJAS, ANGIE MAYELO BARRERA CALLEJAS, ANGEL BARRERA CALLEJAS – all served by mail on 01/05/15</p> <p>Petitioner states that Jose was born in El Salvador and lived there until he fled after being threatened with death by a gang if he did not join them. He was apprehended at the border in July 2014 and was released to Petitioner who has been caring for him since. Oscar is currently enrolled in school but has no legal guardian to direct medical treatment should an emergency arise or for his school to contact regarding educational concerns/needs of the minor.</p> <p>If a guardianship is established Jose will be eligible for Special Immigration Juvenile Status. Petitioner states that Jose's parents consent to the guardianship and a notarized statement from them is provided.</p>			
				Reviewed by: JF	
				Reviewed on: 02/24/15	
				Updates:	
				Recommendation:	
				File 13C - Callejas	

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice on: - Elvin Hernandez Guardado (Minor) - Alberto Hernandez Lainez (Father) - Lidia Gaurdado Mejia (Mother) <u>Note:</u> The consents signed by the parents do not waive notice of hearing.	
Cont 012215				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-24-15	
			Updates:	
			Recommendation:	
			File 14B - Guardado	

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Notice of Hearing was mailed rather than personally served on the minor and his parents per Probate Code §1511. <u>Note:</u> Although the petition refers to notarized consent by the parents, it does not appear to have been included with the petition.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-24-15	
			Updates:	
			Recommendation:	
			File 15B - Bonilla	

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/29/2014	ROBERT PICKARD , son is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	All heirs waive bond.	
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Residence: Fresno	
<input type="checkbox"/> Not.Cred.	Publication: The Business Journal	
<input checked="" type="checkbox"/> Notice of Hrg	<u>Estimated value of the Estate:</u>	
<input checked="" type="checkbox"/> Aff.Mail	Real property - \$5,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Personal property - \$250,000.00	
	Total - \$255,000.00	
<input type="checkbox"/> Sp.Ntc.	Probate Referee: Rick Smith	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/24/2015
		Updates: 02/25/2015
		Recommendation: Submitted
		File 16 - Pickard

DOD: 4-4-12		<p>LOUIS WAYNE WIEBE, Son, was appointed Executor with Full IAEA without bond and Letters issued on 6-25-12.</p> <p>On 6-25-13, the Court set status hearing for the filing of the first account or petition for final distribution for 8-23-13.</p> <p>This is the 9th status hearing.</p> <p>Status Report filed 1-14-14 states the estate will likely be closed as an insolvent estate. All assets have been liquidated and converted to cash. Once he receives the accountant's statement for his services we will know how much is available for distributions to creditors. An initial draft of the petition has been completed except for the final amounts. Waivers of Account by the pecuniary and remainder beneficiaries will be filed with the petition for final distribution. In addition, relocation of the attorney's practice caused unanticipated delays. The attorney and Executor will attend the hearing on 1-15-15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-15-15: Mr. Simonian represents that they anticipate the returns currently being prepared by Paul Green will take another 10-14 days. Counsel and Mr. Lewis are both directed to let Mr. Green know that this case has priority because it effects other people. Cont. to 022615.</p> <p>As of 2-24-15, nothing further has been filed.</p> <p>1. Need first account or petition for final distribution or written status report pursuant to Local Rule 7.5.</p> <p>Note: I&A filed 11-27-12 indicates a total estate value of \$208,915.73 consisting of cash and various real and personal property.</p> <p>Note: There are four (4) separate creditor's claims filed in this estate, as well as a Request for Special Notice.</p>
<p>Cont from 082313, 101113, 121313, 021414, 041514, 061714, 090414, 011515</p>			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-24-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Wiebe</p>	

DOD: 07/04/12	WILLIAM MARTIN (MARTY) SHIBA , son, was appointed Executor with full IAEA and without bond on 03/28/13. Letters Testamentary were issued on 03/29/13.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 053014, 063014, 073014, 091714, 011515	Inventory & Appraisal, final filed 07/15/13 - \$68,775.68	<u>CONTINUED TO 04/23/15</u> Per Counsel's request
Aff.Sub.Wit.	Status Report filed 07/28/14 states: The office is currently in the process of preparing the petition and first account current in this matter. There is a Medi-Cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and his attorney are currently in the process of completing negotiations and settlement of a dispute regarding the Medi-Cal claim. It is requested that this status hearing be continued for 45 days to allow time for the executor and his attorney to complete negotiations on the claim and to file the first account and report reflecting said negotiation and settlement.	<u>CONTINUED FROM 01/15/15</u> As of 02/24/15, nothing further has been filed.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	Status Report filed 09/16/14 states: the attorney is currently preparing the petition and first account current in this matter. There is a medi-cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and attorney are currently working with the DHS regarding the claim filed by them in this matter. They are experiencing difficulties getting a timely response from the DHS regarding negotiations. An additional 90 day continuance is requested.	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/24/15
		Updates: 02/25/15
		Recommendation:
		File 18 - Shiba

			NEEDS/PROBLEMS/COMMENTS: <u>Off Calendar. Inventory and Appraisal filed 02/23/2015.</u>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 02/24/2015
			Updates:
			Recommendation:
			File 19 - Gutierrez

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 5/25/14	<p>BRIAN J. GRIFFIN was appointed Executor with full IAEA and without bond on 10/23/14.</p> <p>Letters issued on 10/24/14.</p> <p>Minute order dated 10/23/14 set this status hearing for the filing of the inventory and appraisal.</p> <p>Status Report filed on 2/19/15 states the executor works and lives in Aromas, California and has experienced some delay in marshalling the assets, as all are located in Fresno. However, the executor is informed and believes that he has now located all the assets of the estate. The executor expects that a completed inventory and appraisal will be submitted to the probate referee prior to the status hearing. Once the required assets have been appraised the executor will be fully prepared to file the completed inventory with the court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/24/14
		Updates:
		Recommendation:
		File 20 - Griffin

Probate Status Hearing RE: Proof of Funds in a Blocked Account

			BRENDA C. LAING , Mother, filed a Petition for Order Regarding the Transfer of Money Belonging to Minor to Custodian under CUTMA on 9-22-14.
	Aff.Sub.Wit.		At hearing on 1-15-15, the Court ordered proceeds from the father's life insurance policy that are being held for the benefit of beneficiary Emily Elizabeth Laing, including any interest, to be placed into a blocked account, and set this status hearing for proof of funds in a blocked account.
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		Order to Deposit Money Into Blocked Account filed 1-15-15 indicated the total amount authorized for deposit is \$16,640.00.
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		NEEDS/PROBLEMS/COMMENTS: 1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356).
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-24-15
			Updates:
			Recommendation:
			File 22 - Laing

Pro Per Reyes, Maria De Jesus (Pro Per Petitioner, mother)

First Amended Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Cont. from 010815			
	Aff.Sub.Wit.		
✓	Verified		Court Investigator Advised Rights on 11/18/2014.
	Inventory		Continued from 1/8/2015. Minute Order states examiner notes handed in open Court; matter continued to allow the defects to be cured.
	PTC		
	Not.Cred.		
✓	Notice of Hrg		The following issues from the last hearing remain:
✓	Aff.Mail	W/	1. Petition requests medical consent powers. Need Medical Capacity Declaration [form GC-335] in support of Petitioner's request pursuant to Probate Code § 1890(c).—Capacity Declaration filed 2/24/2015 does not support the Petitioner's request for medical consent powers.
	Aff.Pub.		2. Pursuant to Probate Code §§ 2352(c) and 1822(e), need proof of service by mail of 30 days' notice together with a copy of the <u>Petition</u> for CENTRAL VALLEY REGIONAL CENTER (CVRC) , or a signed waiver of such notice by CVRC to be filed with the Court. (Note: This issue has been included in examiner notes since the hearing for the initial petition on 12/9/2014.)
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		Reviewed by: LEG
	Status Rpt		Reviewed on: 2/25/15
	UCCJEA		Updates: 2/25/15
✓	Citation		Recommendation:
	FTB Notice		File 23 – Reyes

**24 Zenaida Clara Vargas, Joeleen Clarissa Munoz, Case No. 14CEPR01027
and Evangelina Sophie Pascual (GUARD/P)**

Atty Minjarez, Paula Medrano (Pro Per – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Minute Order 1-15-15: Deputy Yang hands Ms. Munoz, mother, a copy of the petition and notice of hearing in open court. Ms. Munoz objects for the record; written objections are to be filed and served by 2/13/15. The Court orders the Court Investigator to re-interview the parties and report back to the court. Cont. to 022615. Temp ext to 022615. <i>As of 2-23-15, nothing further has been filed.</i>	
C Ont from 011515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-23-15	
			Updates:	
			Recommendation:	
			File 24 – Vargas, Munoz & Pascual	

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 09/22/2012		DAVID V. HICKS , is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 01/08/2015: Examiner notes handed in open court; matter continued to allow the defects to be cured. Any objections are to be filed and properly served. No Written Objections have been filed. The following issues remain: <ol style="list-style-type: none"> 1. The petition does not provide the relationship between the decedent and the petitioner. 2. Pursuant to the petition the decedent was also survived by Derek R. Hicks, Lelon P. Hicks, sons, and Norchelle Hicks, adopted daughter, and Helen Hicks, daughter. Pursuant to Probate Code §13152 all who succeed to the property must petition. 3. #9a(1) or #9a(2) of the petition was not answered regarding spouse. 4. #9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner. 5. #9a(7) or #9a(8) of the petition was not answered regarding issue of predeceased child. 6. Attachment 11 does not provide the decedent's interest in the real property. 7. Notice of Hearing filed 12/10/2014 states that this is a Hearing on a Petition for Final Distribution on a Waiver of Accounting not a Petition to Determine Succession.
		40 Days since DOD	
		No other proceedings	
Cont. from 010815		I&A - \$120,000.00	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 02/24/2015
			Updates:
			Recommendation:
			File 25 – Hicks

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) on: - Sarah Ai Kataoka (Mother)
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-24-15	
			Updates:	
			Recommendation:	
			File 26 - Duran	

Petition for Appointment of Temporary Conservator of the Estate

		<p align="center">TEMPORARY EXPIRES 2/26/15</p> <p align="center">General hearing 3/30/15</p> <p>PHILLIP GIMBARTI, son, is petitioner.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 2/20/15</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights (via telephone) on 2/20/15.</p> <p>Note: The temporary was granted ex parte on 2/17/15 with bond set at \$31,450.00. Bond has not been filed and Temporary Letters have not issued.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Patti Moses (proposed conservatee) 3. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Mark Gimbarti (son) b. Harold Moses (father) c. Dianne Moses (mother) Dianna Lockett (sister) d. Mark Moses (brother) 	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 27 - Moses</p>	

Atty Neilson, Bruce A. (for Janette Courtney – Executor – Petitioner)

(1) First and Final Account and Report of Executor and Petition for Its Settlement,
 (2) for Allowance to Executor and Attorneys for Compensation for Ordinary and
 Extraordinary Services and for (3) Final Distribution

DOD: 6-9-11		JANETTE COURTNEY , Executor with Full IAEA without bond, is Petitioner. Account period: 9-15-11 through present Accounting: \$560,956.26 Beginning POH: \$498,824.07 Ending POH: \$311,890.22 (\$86,890.22 cash plus real property in Mariposa County) Executor (Statutory): \$14,171.36 Attorney Bruce A. Neilson (Statutory): \$14,171.36 Attorney Bruce A. Neilson (Extraordinary): \$1,000.00 (for services in connection with the sale of the Visalia commercial real property, pursuant to Local Rule 7.18.A.) Attorney Scott Ivy (Extraordinary): \$62,049.28 (for services in connection with the litigation filed against Petitioner and this estate, pursuant to declaration and itemization at Exhibit B) Petitioner has already paid said attorney compensation from her own funds and requests reimbursement from the estate. Closing: \$2,500.00 Petitioner states because there insufficient funds in the estate to pay the executor and attorney's fees in full, Petitioner and her attorney will accept a prorated portion of the cash remaining in the estate after the reserve for taxes and closing expenses is deducted. Any unused portion of the reserve after the above payments shall be distributed in equal shares to the residuary beneficiaries. Distribution pursuant to Decedent's will: Steven Thomas: Real property in Mariposa (specific bequest) Petitioner states after payment of the expenses of administration as set forth above there does not appear to be any remaining cash for distribution to the beneficiaries. Any remaining cash assets after closing expenses, attorney's fees and executor's fees are paid will be divided in equal shares to Janette Courtney, David A. Thomas, Joanne E. Dawson, and Sandra L. Thompson.	NEEDS/PROBLEMS/COMMENTS: SEE PAGE 2
Cont from 022515			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 9-15-11		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: skc

Reviewed on:
2-19-15

Updates: 2-24-15

Recommendation:

File 28 -
Drummond

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner paid extraordinary fees totaling \$62,049.28 to Attorney Scott Ivy in connection with the litigation against the estate, and requests reimbursement. The Court may require clarification with reference to Cal. Rules of Court 7.700, which states:**
 - (a) **No compensation in advance of court order**
The personal representative must neither pay nor receive, and the attorney for the personal representative must not receive, statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment.
 - (b) **Surcharge for payment or receipt of advance compensation**
In addition to removing the personal representative and imposing any other sanctions authorized by law against the personal representative or the attorney for the personal representative, the court may surcharge the personal representative for payment or receipt of statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. The surcharge may include interest at the legal rate from the date of payment.

Note: Exhibit B, Attorney Declaration Re Compensation, describes the benefit to the estate, and provides itemization in the form of billing statements for services in connection with the Petition to Determine Validity of Trust Instruments filed 12-19-11 in this matter and the related civil action, 11CECG04320. The declaration states the litigation was successfully settled to the benefit of the estate, as the Drummond Company agreed not to seek collection of outstanding loans owing by the decedent, saving the estate in excess of \$200,000.00. The litigation had stalled the sale of the Visalia property owned by the estate, and by the settlement, the complaining party agreed not to object to the sale, opening the way for the sale to provide funds to the estate. The parties agreed that the settlement would not impair or impede Petitioner's right to petition the probate court for reimbursement of her attorney's fees and costs incurred in the litigation. Petitioner paid for the defense from her own funds, for reasonable attorney's fees for extraordinary services, and should be reimbursed for \$62,049.28.
2. **Many of the expenses charged include expenses considered by this Court to be costs of doing business and not reimbursable, such as charges for photocopies, computer research fees, clerical services, travel/telephonic appearance costs, and runner/document services. The Court may disallow these charges. (Examiner calculates a total of \$1,251.86 in non-reimbursable expenses.)**
3. **The total cost also includes \$3,867.82 in interest charged on the various billing statements. The Court may require clarification or authority for interest charges on extraordinary fees not yet authorized by the Court.**
4. **~~Declaration states Attorney Scott Ivy of Lang Richert and Patch undertook defense of the litigation on behalf of Petitioner; however, the billing statements appear to include work from additional staff. The Court may require clarification regarding the identity and qualification of those included in the billing. Are they attorneys? Paralegals pursuant to Probate Code §10811 and Cal. Rule of Court 7.703(e)? Other secretarial staff? See Declaration of Scott Ivy filed 2-25-15.~~**

Declaration Re Attorney Fee Reimbursement filed 2-24-15 states the examiner notes expressed that the Court may require clarification of the attorney fee reimbursement in light of CA Rule of Court 7.700. Mr. Neilson submits the following in response:

The rule of court cited is to prohibit payment from estate assets prior to court authorization. In this case, no estate assets were used to pay the litigation attorney fees at issue; they were paid from the petitioner's own assets. Reimbursement is now sought to obtain court approval of reimbursement. This procedure was contemplated by the settlement of the litigation, which settlement agreement, approved by this Court (Judge Oliver), provided that the settlement agreement will not impair or impede Janette's right to petition the probate court for reimbursement of some or all of her attorney's fees and costs incurred in the litigation from the estate (attached). Petitioner is following that contemplated procedure and is now seeking the Court's approval.

Declaration of Scott Ivy filed 2-25-15 states the services rendered by other individuals were three associate attorneys (ANE Ashley N. Emerzian, ALB Adam L. Brand, and JMK Jay M. Kelly) and a paralegal (SH Shari Hiatt) working at his direction and under his supervision on the litigation. The charges for time other than Scott Ivy totals \$2,255.00.

Espinola Family Trust of 1990**Case No. 14CEPR00430**

Atty Kaufman, Jeffrey; Brawley, Mason, of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello, Beneficiaries)

Atty Esraelian, Robyn, of Richardson, Jones & Esraelian (for Respondents James Espinola and Irene Espinola St. Martin, Trustees)

Atty Rube, Melvin K., sole practitioner (also for Respondents James Espinola and Irene Espinola St. Martin, Trustees)

Notice of Motion and Motion to Enforce Settlement Agreement

Oliver DOD: 9/1/2006		EUGENE ESPINOLA, MARVIN ESPINOLA and MARGARET CORVELLO , children and Beneficiaries of 3 irrevocable Sub-Trusts created under the ESPINOLA FAMILY TRUST of 1990 (namely SURVIVOR'S TRUST, RESIDUAL TRUST and MARITAL TRUST), move for an order to enforce the settlement agreement reached in open court on 9/22/2014.	NEEDS/PROBLEMS/COMMENTS: This matter will be heard in Dept. 72 at 8:30 a.m. Notes: <ul style="list-style-type: none"> Minute Order dated 9/22/2014 from the Settlement Conference Hearing states: "Settlement agreement read in open Court. All parties agree. Counsel will submit settlement agreement for signature." Court records do not show that a settlement agreement has been filed with the Court. First Report and Account of Co-Trustees and Petition for Its Settlement filed on 2/6/1015 is set for hearing on 3/23/2015 at 8:30 a.m. in Dept. 72. Order Granting Ex Parte Application to Continue Trial filed 2/3/2015 reschedules the Court Trial of this matter to 4/7/2015 at 8:30 a.m. in Department 72. 	
Virginia DOD: 4/29/2012				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			De cl.
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Movants state: <ul style="list-style-type: none"> Motion is made on the grounds that the parties agreed to the terms of a settlement in open court during a settlement conference before Judge Oliver on 9/22/2014, and said agreement contemplated the execution of a more formal and comprehensive written agreement; Responding parties have failed and refused to execute a written agreement that is consistent with the agreement reached in open court, and Petitioners seek to enforce the settlement pursuant to Code of Civil Procedure § 664.6, and to have judgment entered accordingly; Motion is based on this Notice of Motion, the declaration of Jeffrey S. Kaufman, the Memorandum of Points and Authorities, the Request for Judicial Notice, the records and file, and on such evidence as may be presented at the hearing of the Motion. ~Please see additional page~	Reviewed by: LEG Reviewed on: 2/25/15 Updates: Recommendation: File - Espinola	

Dept. 303, 9:00 a.m. Thursday, February 26, 2015

Memorandum of Points and Authorities in Support of Motion to Enforce Settlement Agreement was filed 1/12/2015.

Request for Judicial Notice in Support of Motion to Enforce Settlement Agreement was filed on 1/12/2015.

Declaration of Jeffrey S. Kaufman in Support of Motion to Enforce Settlement Agreement was filed on 1/12/2015.

Declaration of Melvin K. Rube in Opposition to Motion to Enforce Settlement Agreement was filed on 1/13/2015.

Memorandum of Points and Authorities in Opposition to Motion to Enforce Settlement Agreement was filed by Respondents on 2/13/2015.

NEEDS/PROBLEMS/COMMENTS, continued:

1. **Certificate of Service filed by Movants on 1/15/2015** does not indicate pursuant to Probate Code §§ 1042 and 1220(a)(1) that the time and place of the hearing on 2/26/2015 was mailed to the persons required to be given notice. *Certificate of Service* indicates the *Motion* and supporting documents were served on 1/13/2015, which informs the Court that the hearing date of 2/26/2015 could not have been included with the service of notice since the 2/26/2015 hearing date was not provided to Movants until the date the motion was filed on 1/15/2015.
2. **Need proposed order** to be submitted by Movants pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.